

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2 and 11 are currently being amended. Support for amendments can be found in the original claim 5 and in Paragraphs [0077] and [0139] of the Published Application (U.S. 2007/0,011,758). No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 6, 7 and 11 are now pending in this application. Claims 1 and 3-5 are cancelled. Claims 8-10 and 12-14 remain withdrawn.

Information Disclosure Statement

The Examiner indicated that document A8 by Araike (not Niike as on the SB08 submitted 10/12/2005) is in the Japanese language, and has therefore not considered the reference. The Examiner further states that “there is no indication that the document was described in the European Search Report dated August 21, 2007, as alleged by Applicants.” It is respectfully pointed out that Applicants did not allege that the document was described in the European Search Report dated August 21, 2007, rather, Applicants stated that the relevance of the foreign language reference is given in the International Search Report filed on August 21, 2007. The International Search Report indicates that the document is cited as “A”, as merely providing technological background.

The International Preliminary Report on Patentability, which is found in the Image File Wrapper on October 12, 2005 (7 page document), further states in reference to document A8 by Araike (document 7 in the International Search Report) that “document 7 suggest the possibility that pathways leading directly to the cell death of retinal ganglion cells, such as the damage to retinal ganglion cells that is associated with an increase in the concentration of a neurotoxin such as extracellular glutamine, may contribute to normal tension glaucoma.”

Submitted herewith is a corrected PTO Form SB08 which correctly lists Document A8 as filed with the IDS on 10/12/2005 (author as Makoto ARAIKE, and not Makoto NIIKE). Also submitted herewith is a partial English translation (Pages 1 and 5) of the reference for the Examiner's consideration.

In view of the above, Applicants respectfully request that Document A8 cited in the Information Disclosure Statement filed on October 12, 2005, be considered by the Examiner and be made of record in the present application and that an initialed copy of the corrected Form PTO/SB/08 be returned in accordance with MPEP §609.

Claim Rejections under 35 U. S. C. § 112

Claims 2, 5-7 and 11 are newly rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a GLAST knockout mouse deficient in the function of an endogenous GLAST gene, wherein the genome of said mouse, except for the targeted endogenous GLAST gene, is the same as that of a C57BL/6 strain mouse, and wherein when ischemic load is not applied, the intraocular pressure is not greater than 21 mmHg, and the number of cells in the retinal ganglion is 20% to 50% less than that of a wild-type mouse, does not reasonably provide enablement for a GLAST knockout mouse, having normal intraocular pressure and 20% to 50% less retinal ganglion cells than a wild-type mouse, in any genetic background, or a genetic background that is closer to a C57BL/6 strain, as broadly claimed.

Applicants do not concede that any of the above section 112 rejections are correct, however, solely in the interest of expedience, independent claims 2 and 11 are amended to incorporate the limitation of claim 5 as the Examiner suggested on Page 6 of this Office Action.

Accordingly, Applicants respectfully request withdrawal of the section 112 rejections.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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